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5 **UNITED STATES DISTRICT COURT**
6 **WESTERN DISTRICT OF WASHINGTON**
7 **AT SEATTLE**

8 CHERYL KATER and SUZIE KELLY,
9 individually and on behalf of all others similarly
10 situated,

11 *Plaintiffs,*

12 *v.*

13 CHURCHILL DOWNS INCORPORATED, a
14 Kentucky corporation, and BIG FISH GAMES,
15 INC., a Washington corporation.

16 *Defendants.*

17 MANASA THIMMEGOWDA, individually and
18 on behalf of all others similarly situated,

19 *Plaintiffs,*

20 *v.*

21 BIG FISH GAMES, INC., a Washington
22 corporation; ARISTOCRAT TECHNOLOGIES
23 INC., a Nevada corporation; ARISTOCRAT
24 LEISURE LIMITED, an Australian corporation;
25 and CHURCHILL DOWNS INCORPORATED,
26 a Kentucky corporation,

27 *Defendants.*

No. 15-cv-00612-RSL

**UNOPPOSED MOTION AND ORDER
FOR APPROVAL OF
SUPPLEMENTAL DISTRIBUTION
PLAN**

No. 19-cv-00199-RSL

**UNOPPOSED MOTION AND ORDER
FOR APPROVAL OF
SUPPLEMENTAL DISTRIBUTION
PLAN**

On July 7, 2021, this Court approved the distribution plan submitted by the settlement administrators in this and two other social casino class action settlements. *See* Dkt. #296.¹ The Settlement Administrator in this case has since effected that Distribution Plan and has made both initial and supplemental distributions to all claimants. The Settlement Administrator also conducted outreach to claimants in order to encourage them to cash the checks that were issued, pursuant to Section 2.1 of the Settlement Agreement. *See* Dkt. #218-1 § 2.1.

Despite diligent efforts, some checks remain uncashed, and there is over \$700,000 remaining in the Settlement Fund as of the date of this filing (the “Reserve Fund”). Class Counsel therefore submits for the Court’s approval the following, unopposed Supplemental Distribution Plan:

1. The Settlement Administrator will promptly make an additional distribution to claimants from the Reserve Fund.
2. Specifically, the Settlement Administrator will allocate the Reserve Fund—less the administrative expenses of the additional distribution—pro rata to all claimants who previously received initial and supplemental payments. However, to the extent an additional distribution to a claimant would equal less than five dollars (\$5), that additional distribution shall not be paid, and instead the amount shall be distributed pro rata to claimants whose additional distribution is at least five dollars (\$5).
3. To the extent that any of these additional payments are not cashed/processed by claimants after ninety (90) calendar days, such funds shall be paid to the Rose Foundation of Oakland—the *cy pres* recipient named in § 2.1(i) of the Settlement Agreement.

* * *

This proposed Supplemental Distribution Plan mirrors the supplemental distribution plan approved by this Court in the related *Wilson v. Playtika* matter (Case No. 18-cv-05277, Dkt. #171) and is fair, equitable, and faithfully effectuates the Settlement Agreement in this case. *See*

¹ For ease of reference, all citations are to the *Kater* docket.

Dkt. #218-1 § 2.1. The Plan also comports with the initial Distribution Plan approved by the Court. *See* Dkt. #296 at 1-2. Consequently, Class Counsel requests—and no Party opposes—that the Court grant this motion and enter the attached Proposed Order.²

Dated: February 20, 2024

Respectfully submitted,

CLASS COUNSEL

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² Class Counsel anticipates filing a similar motion for supplemental distribution in the related *Benson v. DoubleDown* matter (Case No. 18-cv-525) in the coming weeks.

Plaintiff's Counsel

*Admitted *pro hac vice*

ORDER

Class Counsel's unopposed motion is GRANTED. The Supplemental Distribution Plan is approved.

IT IS SO ORDERED.

Dated this 21st day of February, 2024.


ROBERT S. LASNIK
UNITED STATES DISTRICT JUDGE